

VERNON G. AND SHIRLEY S. WICKHAM

IBLA 80-682

Decided September 5, 1980

Appeal from decision by Alaska State Office, Bureau of Land Management, declaring Lost Indian Mine placer mining claim void. AA 37565.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment--Mining Claims: Recordation

Pursuant to 43 CFR 3833.2-1(a) the owner of an unpatented mining claim located on or before Oct. 21, 1976, must have filed in the proper Bureau of Land Management office on or before Oct. 22, 1979, or on or before Dec. 30 of each calendar year following the calendar year of such recording, whichever date is sooner, evidence of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

Where a placer mining claim was located in 1975, the evidence of assessment work must be filed with BLM on or before Oct. 22, 1979. If no evidence of assessment work has been timely filed with BLM, the claim is conclusively deemed abandoned and void pursuant to 43 U.S.C. § 1744(c) (1976), and 43 CFR 3833.4(a).

2. Notice: Generally--Regulations: Generally

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Vernon G. Wickham, Shirley S. Wickham, pro sese.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Vernon G. Wickham and Shirley S. Wickham appeal from the decision dated April 14, 1980, by the Alaska State Office, Bureau of Land Management (BLM), which declared the Lost Indian Mine placer mining claim void for failure to file evidence of assessment work on or before October 22, 1979, for the period ending September 1, 1979, as required by section 314, Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and the regulations in 43 CFR Subpart 3833.

The subject mining claim was located December 29, 1975, and was recorded with BLM October 20, 1979.

[1] The pertinent regulation, 43 CFR 3833.2-1(a), provides as follows:

(a) The owner of an unpatented mining claim located on Federal lands on or before October 21, 1976, shall file in the proper BLM office on or before October 22, 1979, or on or before December 30 of each calendar year following the calendar year of such recording, whichever date is sooner, evidence of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

Appellants state generally that they have worked the claim since 1975, and have regularly filed assessment notices with the Palmer Recording Office, annually, and that they had not been fully informed of the necessity for making duplicate filings with BLM.

Appellants did not file evidence of the annual assessment work for the year ending August 31, 1979, as required by 43 CFR 3833.2-1. Failure to file the required documents timely must result in a conclusive finding that the claim has been abandoned and is void. 43 U.S.C. § 1744(c) (1976); 43 CFR 3833.4(a). John F. Sherwood, 48 IBLA 180 (1980).

[2] Appellants assert their failure to comply with the requirements was because of lack of information from the local BLM employees. All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations. 44 U.S.C. §§ 1507, 1510 (1976); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Willene Minnier, 45 IBLA 1 (1980).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Frederick Fishman
Administrative Judge

